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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Cody Bowlay-Williams, individually and on
behalf of others similarly situated,

Plaintiff,

v.

Google, LLC,

Defendant.

Case No. 4:21-cv-09942-PJH

**JOINT SUPPLEMENT TO UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT**

Prior Hearing Date: February 9, 2023
Time: 1:30 p.m.
Judge: Phyllis J. Hamilton
Oakland Courthouse, Courtroom 3

Complaint filed: December 22, 2021
Trial date: None set

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1 Cody Bowlay-Williams (“Plaintiff”), on behalf of himself and all others similarly situated,
2 seeks preliminary approval of class and collective action settlement reached with Google, LLC
3 (“Defendant”). (Pl.’s Mem., ECF No. 51.) On February 23, 2023, the Court held a preliminary
4 approval hearing via Zoom. (*See* Min. Entry, ECF No. 62.) The Court seeks additional
5 information, including (1) proposed language to appear on the back of the settlement checks, (2)
6 changes to the language for the objection process, and (3) the legal nexus between the proposed *cy*
7 *pres* recipient and the cause of action. (*See id.*)

8
9 **I. ALTERNATE TO OPTING IN BY CASHING SETTLEMENT CHECKS**

10 The parties’ proposed settlement gives FLSA Collective Members the opportunity to join
11 the case to receive payment for their overtime back wages in the settlement by simply cashing their
12 settlement checks. (Pl.’s Mem. 6, ECF No. 51.) The Court questioned whether the proposed
13 settlement process comports with the written consent filing requirement of the FLSA, which
14 provides that “[n]o employee shall be a party plaintiff to any such action unless he gives his consent
15 in writing to become such a party and such consent is filed in the court in which such an action is
16 brought.” 29 U.S.C. § 216(b). It requested that the parties provide proposed language to appear
17 on the back of the settlement checks. (*See* Min. Entry, ECF No. 62.)

18 To address the Court’s concern, the parties agreed to revise the Notice process to require
19 that FLSA Collective Members submit a Consent to Join form to the settlement administrator to
20 opt into the Action and participate in the Settlement, rather than opting in by cashing a settlement
21 check. The parties provide a redline and clean version of the revised proposed FLSA Collective
22 Member Notice as Exhibit B. The Notice provides that FLSA Collective Members must submit
23 the Consent to Join by mail, email, fax, or using a QR code within 60 days of the date the Notice is
24 distributed. (Rev. FLSA Notice, Ex. B.) For those who sign up electronically, they will have the
25 option to indicate how they would like to receive their settlement funds: by mail (default), electronic
26 deposit, or through an app such as Venmo. Attached as Exhibit D, the parties provide the proposed
27 email version of this Notice to FLSA Collective Members, and as Exhibits E and F, a proposed
28 reminder postcard and reminder email to be distributed to those FLSA Collective Members who
have not submitted a Consent to Join as of 30 days of the Notice distribution.

II. OBJECTION PROCESS

The Court asked the parties to revise the proposed Notices to simplify the process for objecting to the settlement, including allowing Class Members to appear at the Court hearing to object to the settlement without providing advance written notice. (*See* Min. Entry, ECF No. 62.) Proposed revisions are reflected in Exhibits A-F.

III. *CY PRES*

The Court's Procedural Guidance for Class Action Settlements provides that if the settlement contemplates a *cy pres* award, the parties should explain how the recipient is related to the subject matter of the lawsuit and the class members' claims. *See* <https://www.cand.uscourts.gov/forms/procedural-guidance-for-class-action-settlements/> (last visited March 9, 2023). The settlement provides Legal Aid at Work as the *cy pres* recipient. (Settlement Agmt. p. 13, ECF No. 51–2.) Class counsel submit that, as demonstrated by the Declaration of Joan Gaff, the President of Legal Aid at Work, provided as Exhibit F, their work is closely tied to the subject matter of this unpaid overtime lawsuit, as one of areas in which it provides substantial legal services is representing workers related to cases alleging wage and hour violations, such as the failure to pay overtime.

Dated: March 9, 2023

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